

## **Permitting & Assistance Branch Staff Report**

New Solid Waste Facilities Permit for the  
Brentwood Transfer Station  
SWIS No. 07-AA-0068  
February 10, 2014

### **Background Information, Analysis, and Findings:**

This report was developed in response to the Contra Costa County Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed new Solid Waste Facilities Permit (SWFP) for Brentwood Transfer Station located in the City of Brentwood, and owned and operated by City of Brentwood. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on January 22, 2014. Action must be taken on this permit no later than March 23, 2014. If no action is taken by March 23, 2014, the Department will be deemed to have concurred with the issuance of the proposed new SWFP.

### **Proposed Project:**

The following are the key design parameters of the proposed project:

	Proposed SWFP
Operator/Owner	City of Brentwood
Proposed Operations	Transfer/Processing (MRF) Other: Chipping & Grinding
Proposed Hours/Days of Operation	Monday through Friday 4:00 am to 7:00 pm Saturday & Sunday 7:00 am to 6:00 pm Public Clean-up Days (10 per calendar year), Saturday or Sunday 7:00 am to 6:00 pm Closed: Christmas, and New Year's Day
Proposed Permitted Maximum Tonnage	400 Tons/Day
Proposed Permitted Traffic Volume	225 incoming refuse and hauling vehicles; (includes outgoing transfer trucks) On Public Clean-up Days up to 700 vehicles/day
Proposed Permitted Area	5.7 Acres
Design Capacity	400 Tons/Day
Proposed Waste Type	Municipal solid waste, green waste, food waste, construction and demolition debris, and commingled source separated recyclables.

### **Key Issues:**

The proposed new SWFP will allow for the operation of a new Large Volume Transfer/Processing Facility located in the City of Brentwood.

**Background:**

The Brentwood Transfer Station will be located approximately 1,000 feet from the existing City of Brentwood Transfer Station and will serve the waste handling and transfer needs for the City of Brentwood. The City of Brentwood Transfer Station and the Brentwood Transfer Station will not operate concurrently. The transition between these facilities will begin with the closure of the City of Brentwood Transfer Station on a Friday and the opening of the Brentwood Transfer Station the following Monday.

**Findings:**

Staff recommends concurrence in the issuance of the proposed new SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated January 27, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on January 22, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on January 22, 2014, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Nondisposal Facility Element, as described in their memorandum dated February 6, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	Permitting & Assistance Branch staff determined that the design and operations described in the submitted Transfer Processing Report, dated October 2013, will allow the proposed facility to comply with State Minimum Standards.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their submittal received on January 27, 2014, that the proposed permit is consistent with and supported by the existing CEQA documentation. See Environmental Analysis information below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on November 14, 2013. Oral comments were addressed by the LEA staff. No written comments were received by the LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed new SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

### **Compliance History:**

Permitting & Assistance Branch has determined that the design and operations described in the submitted Transfer Processing Report will allow the proposed facility to comply with State Minimum Standards.

Based on the LEA's monthly inspection reports, the current Brentwood Solid Waste Transfer Station (Facility No. 07-AA-0053) has not received any State Minimum Standards or permit terms and condition violations during the last five years.

### **Environmental Analysis:**

Under California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the City of Brentwood, Public Works Department, Engineering Division, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The operations that will be authorized by the issuance of the proposed permit include: the operation of a large volume transfer/processing facility, located on 5.7 acres and receiving a maximum of 400 tons per day of municipal solid waste, green waste, food waste, construction and demolition debris, and commingled source separated recyclables. The facility will also have up to ten public clean up days per calendar year. The site will include a new, enclosed transfer building, tipping pad, material and container storage areas, vehicle weigh scales, and a scale house. In addition, the site includes a drop-off recycling area for use by the public near the facility entrance. These changes are supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2008122033, was circulated for a 30 day comment period from December 12, 2008, to January 14, 2009. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation, Monitoring and Reporting Program. The MND, together with the Mitigation Monitoring Program, was approved by the Lead Agency on February 24, 2009.

The Contra Costa County Local Enforcement Agency (LEA) has provided a finding that the proposed new SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed new SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the Lead Agency. Department staff further recommends the MND, together with the CEQA finding, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed new SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed new SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

#### **Public Comments:**

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on November 14, 2013, at the Community Center located at 35 Oak Street, Brentwood. Four members of the public were in attendance. A member of the public commented on the following issues:

- **Visual Screening** – comment suggesting that trees be used as a visual screen on the northern boundary.

The LEA indicated that visual screening is a regulatory requirement. Details on the landscaping can be found in the Transfer and Processing Report (TPR).

The City of Brentwood indicated that the long term plan is to incorporate the trees along the northerly boundary, but is subject to funding availability.

- **Operations** – comment regarding what operations will occur outdoors.

The LEA indicated that the majority of the operations are indoors, but there are some storage and processing areas outdoors. Details can be found in the TPR.

No written comments were received by the LEA or Department staff.